

Zoning Board of Appeals Minutes
March 26, 2019

ZBA MEMBERS	ZBA MEMBERS ABSENT	STAFF PRESENT
Jim Racheff- Chair Lawrence Aronow Kenneth Ying Shuan Butcher Steve West Bob Sisson		Gabrielle Collard – Manager of Current Planning Rachel Depo—Assistant City Attorney Jessica Murphy – Administrative Assistant

I. **ANNOUNCEMENTS:**

II. **GENERAL PUBLIC COMMENT:**

There was no general public comment.

III. **APPROVAL OF MINUTES:**

Approval of the **February 26, 2019** Zoning Board of Appeals Meeting Minutes as published:

MOTION: Mr. West
SECOND: Dr. Ying
VOTE: 3-0 (Mr. Butcher Abstained)

IV. **PUBLIC HEARING-SWEARING IN:**

“Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Zoning Board of Appeals will be the whole truth and nothing but the truth.” If so, answer “I do”.

V. **CONTINUANCES:** None

VI. **OLD BUSINESS:** None

VII. **NEW BUSINESS:**

Ms. Collard entered the entire staff report into the record. There was no public comment on this item.

A. **ZBA19-153CU, Conditional Use, 526 N. Market Street, Olde Mother Brewing**

MOTION: Mr. Butcher moved to approve conditional use application ZBA19-153CU for the establishment of a Brewery at 526 N. Market Street based on the following findings of fact:

1. That the proposed use will be harmony with the purpose and intent of the Comprehensive Plan as it supports polices of the Land Use and Economic Development Elements of the 2010 Plan.
2. That the DB district permits a wide variety of uses that have the potential to generate significant pedestrian and vehicular activity and the characteristics of the proposed use and its operation will not create any greater adverse impact than the operation of those permitted uses.
3. That the Applicant has demonstrated compliance with all of the applicable criteria of Section 857 for the establishment of a Brewery including:
 - a. That the facility will operate in compliance with all applicable laws and regulations, including but not limited to the Maryland Annotated Code, Alcoholic Beverages Article, and the regulations promulgated by the Frederick County Liquor Board.
 - b. That the total area dedicated to retail sales, tasting rooms, and food and beverage service will not comprise more than 40% of the total square footage of the use.
 - c. That the use will host entertainment consistent with the definitions contained in Section 857, but will not host any "special events" at the facility.
 - d. That the Applicant has provided a floorplan of the existing facility and proposed improvements including ingress/egress locations, the retail/tasting area, bathrooms, and manufacturing space.

And with the following conditions:

1. That the Applicant must apply for and receive a zoning certificate within two years of the Zoning Board of Appeals approval in accordance with Section 312(g).
2. That entertainment may only be held within the front portion of the tasting room until such time as those improvements identified as "new construction" on the floor plan are completed.

SECOND: Mr. Aronow

VOTE: 4-0

B. ITEMS ADDED TO AGENDA

Zoning Determinations Completed:

- ZBA19-058ZD, 120 E. Patrick Street
- ZBA19-094ZD, 300 Cormorant Place
- ZBA19-119ZD, 311 Cormorant Place
- ZBA19-120ZD, 401 Cormorant Place
- ZBA19-156ZD, 798-800 Motter Avenue

IX. ADJOURNMENT

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Meeting adjourned approximately at 7:30 p.m.

Respectfully Submitted,

Jessica Murphy
Administrative Assistant

APPROVED 6/25/2019